UNITED STATES PATENT AND TRADEMARK OFFICE

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09/585,263	06/02/2000	Donald F. Gordon	60136.0156USi1	5643

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EXAMINER
SALTARELLI, DOMINIC D

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 April 2012_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5) ☒ Claim(s) _15-18_ is/are pending in the application.

  5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6) ☐ Claim(s) _____ is/are allowed.

7) ☒ Claim(s) _15-18_ is/are rejected.

8) ☐ Claim(s) _____ is/are objected to.

9) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10) ☐ The specification is objected to by the Examiner.

11) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All b)☐ Some * c)☐ None of:

   1. ☐ Certified copies of the priority documents have been received.

   2. ☐ Certified copies of the priority documents have been received in Application No. _____.

   3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed April 20, 2012 have been fully considered but they

are not persuasive.

First, applicant argues Boucher teaches away from teaching "combining, at the

headend, the interactive program guide stream and a bit stream for audio and video of a

broadcast video program to form a transport stream for broadcast to all subscribers in

the broadband content distribution network", stating that since Boucher discloses

creating multiple presentations that are each individually addressed to specific

subscribers, the presentations are not "broadcast".

In response, Boucher specifically states that the channel containing the

addressed presentations is multiplexed into the transmission spectrum of the distributor

to create a broadcast that is received by all subscribers of the broadcast distribution

network served by the headend (Boucher, col. 22, lines 16-47 and col. 42, lines 11-34).

Second, applicant argues Boucher fails to disclose sending a request from a first

set-top terminal to a session manager at the headend via a bi-directional out-of-band

channel of the broadband content distribution network for an interactive program guide

page corresponding to a determined view action, stating that Boucher discloses that the

out-of-band channel provided by out-of-band server 315 is configured to provide only

downstream signals.

In response, Boucher clearly discloses the subscribers communicate with the headend via a bi-directional channel as he teaches using a cable modem (Boucher, col. 7, lines 21-35) that utilizes the same transmission bandwidth as the downstream broadcasts (Boucher, col. 16, lines 5-8, wherein bi-directional communications take place outside of the reserved downstream bandwidth, col. 20, lines 5-18).

Third, applicant argues Boucher further fails to disclose transmitting only an interactive program guide page corresponding to the determined view action to the requesting set top terminal, stating that Boucher does not mention transmitting only an interactive program guide page corresponding to the determined view action to the requesting set top terminal.

In response, Boucher discloses that the particular presentation object sent to a user in response to user interaction does not depend on any previous download (Boucher, col. 15 line 66 - col. 16 line 4).

Lastly, applicant argues that Miller fails to disclose transmitting only an interactive program guide page corresponding to the determined view action, combining an interactive program guide stream and a bit stream for audio and video a broadcast video program to form a transport stream, or sending requests via a bi-directional out-of-band channel for an interactive program guide page corresponding to a determined view action.

In response, each of these feature is taught by Boucher as described above, and

the only feature upon which Miller is relied upon is the well known navigation feature of

looking ahead in a program guide.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Boucher et al. (7,536,705, of record) [Boucher] in view of Miller et al. (5,585,866, of

record) [Miller].

Regarding claim 15, Boucher discloses a method (col. 6 line 48 - col. 7

line 13 and col. 34, lines 4-21), comprising:

generating, at a headend of a broadband content distribution network, a

plurality of frame sequences of graphics and video (data objects, col. 7, lines 36-

57, see also col. 12, lines 63 - col. 13 line 4 and col. 13, lines 37-50) to form a

plurality (there are as many generated interfaces as there are requesting users,

col. 6 lines 25-34 and col. 17, lines 24-42) of interactive program guide user

interfaces (col. 3 line 63 - col. 4 line 3; col. 14, lines 1-3; and col. 14, lines 44-58

"One example of intermixing is a program guide providing a page having text and

graphics as well as an inserted window of motion video, e.g., a program preview.");

encoding (col. 8, lines 27-56), at the headend (presentations are organized at the central location server, col. 13, lines 51-55), the plurality of interactive program guide user interfaces to include an identifier for uniquely identifying each of the plurality of interactive program guide user interfaces (PID, col. 13, lines 15-34);

modulating, at a headend, the plurality of encoded interactive program guide user interfaces to produce an interactive program guide stream (col. 42, lines 11-21);

combining, at the headend, the interactive program guide stream and a bit stream for audio and video of a broadcast video program to form a transport stream for broadcast to all subscribers in the broadband content distribution network (col. 22, lines 16-47 and col. 41 line 55 - col. 42 line 21);

transmitting the transport stream to a plurality of set top terminals of all subscribers in the broadcast content distribution network via an in-band channel of the broadband content distribution network (col. 42, lines 11-52);

in response to a selection signal providing an identifier to a first set top terminal of the plurality of set top terminals for identifying one of the plurality of interactive program guide user interfaces, extracting, at a set-top terminal, a selected interactive program guide user interface associated with the identifier for

immediate presentation on a viewer's equipment (col. 39 line 57 - col. 40 line 10 and col. 42, lines 35-52);

interacting with a selected presentation via signaling through a bi-directional out-of-band channel (subscriber equipment uses a modem communicating with OOB server using the "user number" to coordinate upstream and downstream signaling, col. 20 line 55 - col. 21 line 5; col. 29, lines 9-25; and col. 40, lines 51-67);

combining, at the headend, presentation images in response to said interactions and transmitting the transport stream to the set top terminal for extraction, at a set-top terminal, the presentation corresponding to a determined view action (col. 15 line 66 - col. 16 line 4).

Boucher fails to disclose determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface; in response to the determined view action, wherein said interacting consists of sending a request from the set-top terminal to the session manager at the headend via the bi-directional out-of-band channel for an interactive program guide page corresponding to the determined view action; and said combining and transmitting consist of delivering the interactive program guide user interface from the interactive program guide stream having the interactive program guide page corresponding to the determined view action to present the interactive program guide page corresponding to the determined view action on the viewer's equipment.

In an analogous art, Miller discloses determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface; in response to the determined view action, presenting the interactive program guide page corresponding to the determined view action to present the interactive program guide page corresponding to the determined view action on the viewer's equipment (col. 10, lines 36-60 and col. 16, lines 51-60 "...pages to the left if the cursor is at the extreme right side of the display and the right direction arrow is depressed."). This is a standard feature found in interaction electronic program guides, providing the benefit of allowing a user to navigate through the entire program schedule (col. 16, lines 59-60).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method of Boucher to include determining, at the set-top terminal, a view action of moving a cursor to a lookahead time interval within the presented interactive program guide user interface and in response to the determined view action, presenting the interactive program guide page corresponding to the determined view action to present the interactive program guide page corresponding to the determined view action on the viewer's equipment, as taught by Miller, providing the benefit of allowing a user to navigate through the entire program schedule.

Regarding claim 16, Boucher and Miller disclose the method of claim 15, further comprising:

changing the particular broadcast video display to a new broadcast video display, upon termination of a navigation command (Miller, col. 17, lines 18-23);

wherein changing the particular broadcast video display is accomplished by generating, encoding, and transmitting video packet streams at the headend (Boucher, col. 4, lines 45-61).

Regarding claim 17, Boucher and Miller disclose the method of claim 16, wherein the navigation command navigates only through favorite channels (Miller, col. 11, lines 15-27).

Regarding claim 18, Boucher and Miller disclose the method of claim 15, wherein the interactive program guide user interface is overlaid the broadcast video presentation in response to a signal to activate the interactive program guide user interface (Boucher, col. 15, lines 11-17).

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DOMINIC D. SALTARELLI whose telephone number is

(571)272-7302. The examiner can normally be reached on Monday - Friday 9:00am -

6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DOMINIC D SALTARELLI/
Primary Examiner, Art Unit 2421